

ORDINANCE NO. 3093

AN ORDINANCE AMENDING PROVISIONS OF TITLE 13 OF THE COUNTY CODE
RELATING TO SIDEWALKS

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: That Title 13 of the San Luis Obispo County Code is hereby amended by adding the following new sections:

Chapter 13.10 SIDEWALKS

Sections:

- 13.10.010 Authority
- 13.10.012 Definitions
- 13.10.040 Regulation of Sidewalks
- 13.10.042 Regulation of Vendors
- 13.10.044 Control of News Racks
- 13.10.046 Sidewalk Cafes
- 13.10.050 Removal of Obstructions
- 13.10.060 Construction involving sidewalk

13.10.010 Authority.

Under establishment of Public Rights of Way which have been accepted into the County Maintained Road system, the County Board of Supervisors defines the use and control of said right of way under encroachment permit authority as defined under the Streets and Highways code. Definitions and conditions as set forth in this section define the use and responsibility of said right of way for the areas reserved as sidewalks.

13.10.012 Definitions

Sidewalk. Sidewalk , as defined under Section 5600 of the Streets and Highways Code, includes a parkway or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk, trail, or any such parkway or parking strip.

Superintendent of Streets and Repair. The responsibility of Superintendent of Streets and Repairs, as defined under the Streets and Highways Code, shall be the Director of Public Works and Transportation, or his/her designated agent, namely, the Roads Maintenance Manager.

News Rack. Any self-service or coin-operated box, container, storage unit, or other dispenser installed, used , or maintained for the display and sale or distribution, with or without charge of newspapers, news periodicals, or trade and selling listings.

Sidewalk Café. A sidewalk café is any group of tables and chairs and authorized decorative and accessory devices situated and maintained upon the public sidewalk for use in connection with the consumption of food and beverages sold to the public from or in an adjoining indoor food serving establishment. Only the sale of food and beverages is allowed at sidewalk cafes.

Vendor. A person who sells, offers to sell, barter, exchanges, or displays any type of food, wares, merchandise, or service at any location other than a permanent foundation which is occupied, rented, or leased, or owned by that person. A person engaged in a business conducted from a building or structure constructed on a permanent foundation that involves outdoor display, sale, or storage of the same types of goods or merchandise sold as part of the primary business activity on those premises shall not be considered a vendor under this section. A sidewalk café shall not be considered a vendor.

Sign. A sign is a free standing element used by adjacent business', community groups, or individuals to convey information regarding activities promoted by said interests.

13.10.040 Regulation of Sidewalks

The Superintendent of Streets and Repairs, acting under authority to issue encroachment permits and the regulations established under Title 13, shall regulate activities upon the sidewalk area for the convenience of the public in order to utilize the sidewalk area in a safe and efficient manner.

13.10.042 Regulation of Vendors

All vendors active within the public road right of way must obtain the necessary business license and meet the health and safety codes applicable in the County of San Luis Obispo prior to conducting business.

a) Vendor motor vehicles. Vendor motor vehicles are allowed adjacent to the sidewalk area such that the vehicle staying at that location does not exceed 30 minutes and that once said thirty minutes has passed, the vehicle must move to a location at least 300 feet removed therefrom. Such vehicles may not return to a location where they have previously stopped to vend within the previous three hours.

b) Non-motorized carts. Non-motorized carts are not allowed to be operated within the sidewalk area unless the operation is conducted under the limits of a permitted farmer's market operation within the community or special event street closure set up under authorization established pursuant to Chapter 15.610 of the County Code.

c) Vendors. No vending stalls, counters, tables, booths, stands or vending from persons are permitted to be operated within the sidewalk area unless the operation is conducted under the limits of a permitted Farmer's Market operation or special event street closure set up under authorization established pursuant to Chapter 15.610 of the County Code.

13.10.044 Control of News Racks

No news rack shall be installed, used, or maintained in any location where such installation, use, or maintenance endangers the safety of persons or property or unreasonably interferes with public utility, public transportation, bicyclists, wheelchairs, or

vehicular traffic, or access to or from any residence, place of business, or any legally parked or stopped vehicle, or the use of traffic signs or signals, hydrants, call boxes, or mailboxes.

No news rack shall be placed, installed, used, or maintained:

- a) Within three feet of a marked crosswalk;
- b) Within 15 feet of the curb return of any unmarked crosswalk;
- c) Within five feet of a fire hydrant;
- d) Within three feet of any driveway, building entrance, or sidewalk leading to entrance of a building;
- e) Within five feet of a marked bus stop.

Non conforming news racks shall be removed and held by the County for the owner to pick-up at their expense. News rack designated to be removed shall be posted for removal five days prior to the removal. It is the responsibility of the owner to monitor news racks for this notice. Removed news racks which go unclaimed for more than 30 days shall be disposed of.

13.10.046 Sidewalk Cafes

A sidewalk café may be permitted only by approval of a conditional encroachment permit that is issued under the Department of Public Works in conjunction with the Department of Planning and Buildings approval of the use permit. The Director of Public Works may impose conditions as deemed necessary to assure the proposed operation meets the requirements of this article and to maintain the public safety and welfare. A sidewalk café may be permitted only on a commercially zoned property and the layout must be located at least five feet from the face of the curb to provide an area for pedestrian passage, or in another configuration acceptable to the Director of Public Works which will afford public pedestrian passage, safety and welfare.

13.10.050 Removal of Obstructions

The Director of Public Works, or his/her designated agent, is hereby authorized and empowered to remove, or cause to be removed, to any place selected by the Director, all materials and things of whatever nature obstruct the free use of any street, lane, or sidewalk, or portion thereof, in the County or which render the same dangerous to the public. All items removed under this section may be sold after three days notice. The owner of the materials or things so removed may recover the same before the same are sold by said Director on payment of the actual costs and charges of such removal and other incurred expenses.

13.10.060 Construction Involving Sidewalk

Whenever sidewalks are impeded, occupied, or removed due to construction of the adjoining property or used for material storage for said construction, a temporary walkway of not less than three feet in width, with substantial railings, shall be constructed around the outside of the obstruction and maintained during the obstruction of the sidewalk. If there are excavations on either side of the sidewalk, said walkway must be protected by substantial railings not less than 32 inches high from the floor of the walkway. The railings must be maintained so long as such excavations and depressions must be barricaded. Waterways and gutters must be bridged over, and kept clear of, obstructions to free passage of water. Obstructions shall not be placed within 12 feet of an existing in-service fire hydrant. In all

cases, such temporary sidewalks, railings, and approaches shall be made as regards ease of approach, strength and safety to the satisfaction of the Director of Public Works or their designated agent.

SECTION 2: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

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INTRODUCED at a regular meeting of the Board of Supervisors held on the 13 day of June, 2006, and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 27 day of June, 2006, by the following roll call vote, to wit:

AYES: Supervisors Jerry Lenthall, Shirley Bianchi, James R. Patterson,
Chairperson K.H. 'Katcho' Achadjian

NOES: Supervisor Harry L. Ovitt

ABSENT: None

ABSTAINING: None

K.H. ACHADJIAN

Chairperson of the Board of
Supervisors of the County of San
Luis Obispo, State of California

ATTEST:

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors, County of
San Luis Obispo, State of California

By: **C.M. CHRISTENSEN** Deputy Clerk
[SEAL]

ORDINANCE CODE PROVISION APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel
County of San Luis Obispo

By: *Patricia J. Fourn*
Deputy County Counsel

Date: 6/15/06

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